

AMENDED IN ASSEMBLY MAY 27, 2016

AMENDED IN ASSEMBLY APRIL 19, 2016

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CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2350

Introduced by Assembly Member O'Donnell

February 18, 2016

An act to amend Section 44253.2 of, and to add Article 5.5 (commencing with Section 60080) to Chapter 1 of Part 33 of Division 4 of Title 2 of, the Education Code, relating to English learners.

LEGISLATIVE COUNSEL'S DIGEST

AB 2350, as amended, O'Donnell. English learners.

Existing law requires the State Board of Education to adopt curriculum frameworks and evaluation criteria that are aligned to specified content standards for English language arts on or before July 30, 2014.

This bill would define the terms “designated English language development” and “integrated English language development” for purposes of the English Language Arts/English Development Framework adopted by the state board, as specified. The bill would *state specify* that a middle or high school pupil who is enrolled in an English language development course or is classified as an English learner shall not be prevented from enrolling in specified other courses required for ~~graduation or in courses that meet graduation, grade promotion, or meeting~~ specified college admission standards, and would require credit toward graduation to be conferred for courses designed for long-term English learners, except as specified. By imposing additional duties on local educational agencies, the bill would impose

a state-mandated local program. The bill would require the State Department of Education to contract for the development of a video series demonstrating best practices for implementing designated and integrated English language development, and to make the video series available for use by local educational agencies and charter schools. *The bill would also require the department to revise its existing research-based guidance document on improving the education of English learners.*

Existing law authorizes the Commission on Teacher Credentialing to issue an authorization to teach specially designed content instruction delivered in English, as defined, to ~~limited-English-proficient~~ *English learner* pupils.

This bill would revise the definition of “specially designed content instruction delivered in English” for purposes of specified teacher credentialing provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California is home to the largest population of English
- 4 learners in the country, and one in three English learners in the
- 5 United States resides in California.
- 6 (b) There are approximately 1.4 million English learners in
- 7 California public schools. About 2.7 million pupils speak a
- 8 language other than English in their homes, representing about 43
- 9 percent of the state’s public school enrollment.
- 10 (c) California’s English learner pupils score substantially lower
- 11 on state assessments than non-English learner pupils. While there
- 12 has been incremental growth in achievement among pupils in the
- 13 general population, scores for English learners have largely

1 remained static, widening the achievement gap between English
2 learners and their peers over time.

3 (d) On the 2015 administration of the California Assessment of
4 Student Performance, 11 percent of English learners in all grades
5 met or exceeded—~~standard~~ *standards* in English language
6 arts/literacy and 11 percent in math, compared with 69 percent
7 and 55 percent for those subjects, respectively, for pupils proficient
8 in English.

9 (e) The English Language Arts/English Language Development
10 Framework adopted by the State Board of Education in 2014
11 represents an important state endorsement of the use of both
12 designated English language development and the integration of
13 English language development across the curriculum. This
14 combined approach will require major changes in teaching and
15 learning for all pupils, including English learners, and there is a
16 need for training for, and technical assistance to, teachers and
17 administrators on implementing these instructional reforms.

18 (f) Recent research has found that English learners are less likely
19 than non-English learners to be enrolled in core academic subject
20 courses and, as a result, earn fewer credits than non-English learner
21 pupils. Research has further found that limited access to English
22 language arts is largely due to English language development
23 classes being used as substitutes for, rather than complements to,
24 English language arts, and due to the enrollment of elementary
25 and secondary English learners in intervention classes for English
26 language arts and math that are not designed for English learners’
27 language and academic needs.

28 (g) Graduation rates for English learners are lower than for the
29 general population and for other subgroups of pupils. According
30 to the State Department of Education, the overall 2013–14
31 four-year cohort graduation rate was 81 percent, while the rate for
32 English learners was 65 percent, the lowest of any subgroup besides
33 pupils in special education. The dropout rate for English learners,
34 at 21 percent, was the highest of any subgroup.

35 (h) English language development classes aligned to the state
36 English Language Development standards are designed to give
37 access to core academic subjects while developing English
38 proficiency, and are part of the academic core for English learners.

(i) There are many options for addressing the issues of access and course offerings for English Learners in middle and high school.

SEC. 2. Section 44253.2 of the Education Code is amended to read:

44253.2. For purposes of this chapter, the following terms shall have the following meanings, unless the context otherwise requires:

(a) “Instruction for English language development” means instruction designed specifically for ~~limited-English-proficient~~ *English learner* pupils to develop their listening, speaking, reading, and writing skills in English.

(b) “Specially designed content instruction delivered in English” or “specially designed academic instruction in English” means instruction in a subject area, delivered in English, that is specially designed to meet the needs of ~~limited-English-proficient~~ *English learner* pupils, and the focus of which is on instruction of the state academic content standards and on increasing the comprehensibility of academic content in courses normally provided to fluent-English-proficient and English-only pupils.

(c) “Content instruction delivered in the primary language” means instruction in a subject area delivered in the primary language of the pupil.

(d) “Instruction for primary language development” means instruction designed to develop a pupil’s listening, speaking, reading, and writing skills in the primary language of the pupil.

(e) “Culture and cultural diversity” means an understanding of human relations, including the following:

- (1) The nature and content of culture.
- (2) Cross cultural contact and interactions.
- (3) Cultural diversity in the United States and California.
- (4) Approaches to providing instruction responsive to the diversity of the pupil population.
- (5) Recognizing and responding to behavior related to bias based on the characteristics listed in Section 220.

(6) Techniques for the peaceful resolution of conflict.

SEC. 3. Article 5.5 (commencing with Section 60080) is added to Chapter 1 of Part 33 of Division 4 of Title 2 of the Education Code, to read:

Article 5.5. English Learners

60080. (a) *The English Language Arts/English Language Development Framework adopted by the state board pursuant to Section 60207 states that English learners at all English proficiency levels and at all ages require a comprehensive program of English language development that includes both integrated English language development and specialized attention to their particular language learning needs, otherwise known as designated English language development, as part of their daily curriculum.*

(b) *The following definitions shall apply to the English Language Arts/English Language Development Framework referenced in subdivision (a):*

(1) *“Designated English language development” means instruction designed for English learners according to their level of English proficiency to overcome language barriers in a reasonable amount of time, during a protected time in the regular schoolday, in which teachers use the California English Language Development Standards as the focal standards in ways that build into and from content instruction in order to develop the critical language that English learners need for content learning in English.*

(2) *“Integrated English language development” means instruction in which all teachers with English learners in their classrooms, regardless of the course content, use the California English Language Development Standards in tandem with the California state standards.*

~~60080.~~

60081. (a) A middle or high school pupil who is enrolled in an English language development course or who is classified as an English learner shall not be prevented from doing either of the following:

(1) Enrolling in core curriculum courses in English language arts or any other course required for ~~graduation or to meet graduation, grade promotion, or meeting~~ the a-g subject requirements for admission to the University of California or the California State University.

(2) Taking a full course load in core subjects required for ~~graduation or to meet graduation, grade promotion, or meeting~~

1 the a-g subject requirements for admission to the University of
2 California or the California State University.

3 (b) Subdivision (a) shall not apply to a pupil participating in an
4 articulated newcomer program unless the pupil meets the local
5 educational agency's exit criteria for transition into a general
6 education program. For purposes of this section, "articulated
7 newcomer program" means a separate, sometimes self-contained
8 program that meets all of the following criteria:

9 (1) The program is designed to meet the academic and
10 transitional needs of newly arrived immigrants.

11 (2) Instruction is aligned with state academic content standards
12 in content areas for which standards are adopted.

13 (3) Instruction for learning English is aligned with English
14 language development standards.

15 (4) When possible, instruction in the core subjects of
16 mathematics, science, and history-social science are offered in the
17 pupil's primary language.

18 ~~60081.~~

19 60082. If a local educational agency offers ~~a~~ *an English*
20 *language development* course designed for long-term English
21 learners, the course shall confer credits in English language arts
22 necessary to meet *grade promotion or* graduation requirements.
23 It is the intent of the Legislature that local educational agencies
24 submit those courses to the University of California and California
25 State University for approval to meet the a-g subject requirements
26 for admission.

27 ~~60082. (a) The English Language Arts/English Language~~
28 ~~Development Framework adopted by the state board pursuant to~~
29 ~~Section 60207 states that English learners at all English proficiency~~
30 ~~levels and at all ages require a comprehensive program of English~~
31 ~~language development that includes both integrated English~~
32 ~~language development and specialized attention to their particular~~
33 ~~language learning needs, otherwise known as designated English~~
34 ~~language development, as part of their daily curriculum.~~

35 ~~(b) The following definitions shall apply to the English~~
36 ~~Language Arts/English Language Development Framework~~
37 ~~referenced in subdivision (a):~~

38 ~~(1) "Designated English language development" means~~
39 ~~instruction designed for English learners according to their level~~
40 ~~of English proficiency to overcome language barriers in a~~

1 reasonable amount of time, during a protected time in the regular
2 schoolday, in which teachers use the California English Language
3 Development Standards as the focal standards in ways that build
4 into and from content instruction in order to develop the critical
5 language that English learners need for content learning in English.

6 (2) “Integrated English language development” means
7 instruction in which all teachers with English learners in their
8 classrooms, regardless of the course content, use the California
9 English Language Development Standards in tandem with the
10 California state standards.

11 60083. (a) The department shall contract for the development
12 of a series of videos demonstrating best practices for implementing
13 designated and integrated English language development in
14 transitional kindergarten to grade 12, inclusive, and shall make
15 the series available on the department’s Internet Web site. *In order*
16 *to provide a companion resource to the video series, the*
17 *department shall revise its existing research-based guidance*
18 *document on improving the education of English learners. This*
19 *document may include guidance on the implementation of Sections*
20 *60081 and 60082.*

21 (b) The video series shall be designed to assist local educational
22 agencies in providing instruction in designated English language
23 development and integrated English language development across
24 different content areas.

25 (c) The video series shall include information on designing
26 English language development courses for the middle and high
27 school grades that are also English language arts courses that allow
28 pupils to accrue credit toward graduation, including, to the extent
29 possible, course outlines from school districts that have adopted
30 such a model.

31 (d) The video series shall include information on courses
32 developed by school districts that are English language
33 development courses for the middle and high school grades that
34 are also English language arts courses that have been accepted as
35 a-g courses for admission to the University of California and
36 California State University, including, to the extent possible, course
37 outlines from school districts that have adopted such a model.

38 (e)

39 (b) In developing the video series, *series and research document,*
40 the department shall compile program models that address the

1 structuring of the school day to allow for instruction in academic
2 content and in English language development. *implementation of*
3 *designated and integrated instruction during the schoolday that*
4 *allows pupils to access English language development and*
5 *academic content.* The department shall include information on
6 how to implement these ~~models in the series~~; *models.*

7 (f)

8 (c) In developing the video ~~series~~; *series and research document*,
9 the department shall convene a group of experts and request public
10 input.

11 (g)

12 (d) By the beginning of the ~~2018–19~~ 2019–20 school year, the
13 video series *and research document* shall be completed and made
14 available for voluntary use by local educational agencies and
15 charter schools.

16 (e) *Implementation of this section is contingent upon funding*
17 *being provided for this purpose in the annual Budget Act or*
18 *another statute.*

19 SEC. 4. If the Commission on State Mandates determines that
20 this act contains costs mandated by the state, reimbursement to
21 local agencies and school districts for those costs shall be made
22 pursuant to Part 7 (commencing with Section 17500) of Division
23 4 of Title 2 of the Government Code.